

Exhibit A

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January 13, 2021

Epic Games, Inc. v. Apple Inc., No. 4:20-cv-05640-YGR-TSH (N.D. Cal.)

Dear Jay:

I write in response to Apple's January 3, 2021 letter regarding certain of Apple's requests for non-custodial documents and data and further to the parties' January 5, 2021 meet and confer on the same subject and Apple's January 11, 2021 email.

Agreements: Epic has completed its collection of the agreements identified in its December 23, 2020 letter and has produced all of those agreements to Apple except for two agreements for which Epic is working to address third-party confidentiality issues.

Financial Data: With respect to RFP No. 46, Apple requested that Epic provide data regarding its gross revenue, costs of sales, gross income, gross margin, total operating expense and net income on a "per-game and on a per-platform basis". As Epic explained during the parties' meet and confer, however, it does not track this information on a per game, per platform basis. Instead, Epic has produced this financial data for its overall business, which is how it is tracked in the ordinary course. Epic also has produced monthly revenue data for *Fortnite* and *Rocket League* on a per platform basis as well as its monthly platform fees broken out by platform for *Fortnite*, *Rocket League*, *Dauntless*, *Paragon*, *Unreal Tournament*, *Battle Breakers* and *Infinity Blade*.

Platform Data: As discussed during the parties' meet and confer, Epic agrees to produce the "cumulative" or all-time *Fortnite* data that is called for by Apple RFP No. 65 separate and apart from the data already provided in response to Apple Interrogatory No. 1. Specifically, Epic will provide, for each platform individually and for all platforms combined: (1) the average daily active users; (2) the total users; (3) total hours spent playing matches; and (4) total hours spent in the game.

Apple also requested that Epic provide definitions for the fields in the data set identified in Epic's Supplemental Response and Objection to Apple Interrogatory No. 1 at Bates number EPIC_03515498. These field definitions are included in **Appendix A** to this letter.

User and Transactional Data: In its December 23, 2020 letter, Epic proposed to produce data sets responsive to Apple RFP Nos. 64 and 74 based on a 1/16 random sample of *Fortnite* users rather than data sets covering the entire *Fortnite* userbase. Apple objected to this proposal. In the interest of bringing this issue to a close, Epic will agree to produce the data sets responsive to Apple RFP Nos. 64 and 74 as described in its December 23, 2020 letter for the entire, worldwide *Fortnite* userbase. Epic is in the process of preparing these expanded data sets and will produce them to Apple as soon as they are ready.¹

Epic also explained in its December 23, 2020 letter that it was continuing to investigate whether and to what extent it would be feasible to provide refund-related data responsive to Apple RFP No. 74(f). Based on its investigation, Epic has determined that it is not feasible to provide the requested information regarding refund requests and dispositions for purchase transactions. Because Epic does not process transactions made on third-party platforms, it does not have complete refund information for those transactions, and the refund data it does have varies widely by platform and is not tracked in the ordinary course. However, Epic does track in the ordinary course when it refunds to a player V-Bucks that were redeemed for an in-game product. Epic has produced this data as part of the data set for redemption transactions as described in its December 23, 2020 letter.

* * * * *

Should Apple have any further questions about Epic's non-custodial documents and data productions, Epic is available to meet and confer.

Sincerely,

s/ Lauren A. Moskowitz

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¹ Epic produced the sample data sets as part of the Epic production volume EPIC018 on January 6, 2021. In its January 11, 2021 email, Apple asked about the missing column header information for the purchases data set with Bates number EPIC_03955102. The format file for that data set was inadvertently omitted from the production volume. The applicable column headers are as follows: account_id; platform; store; item; quantity; revenue; revenue net; event_date_partition; product.

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BY EMAIL

Appendix A

- start_of_month: first day of the monthly period
- avg_dau_cross: the average number of daily active users who spent time in the game on the platform and at least one other platform in the same month
- avg_dau_solo: the average number of daily active users who spent time in the game on the platform and no other platforms in the same month
- avg_dau: the average number of daily active users who spent time in the game on the platform during the month
- players_cross: the number users who spent time in the game on the platform and at least one other platform in the same month
- players_solo: the number of users who spent time in the game on the platform and no other platforms in the same month
- players: the number of users who spent time in the game on the platform during the month
- hours_cross_playing: the number of hours played in a match on the platform by users who played on at least one other platform in the same month
- hours_solo_playing: the number of hours played in a match on the platform by users who played on only that platform in the same month
- hours_playing: the number of hours played in a match on the platform by all users during the month
- hours_cross_total: the number of hours, including menu time, spent in the game on the platform by users who spent time on at least one other platform in the same month
- hours_solo_total: the number of hours, including menu time, spent in the game on the platform by users who spent time on only that platform in the same month
- hours_total: the number of hours, including menu time, spent in the game on the platform by users who spent time on only that platform in the same month

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